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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/537,650

06/30/2006

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SDS-0119

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23377 7590 02/27/2009
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EXAMINER

NIQUETTE, ROBERT R

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

02/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------|------------------------------------|--|
| <i>Office Action Summary</i> | Application No. 10/537,650 | Applicant(s) BLACHER, GUILLAUME | |
| | Examiner Robert R. Niquette | Art Unit 3695 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>None</u> . | 6) <input type="checkbox"/> Other: _____ |

((Detailed Action

The following is a Final Office action in response to communications received 2-9-2009. This action is in reply to the communication filed on 2-9-2009. Claims 1-16 are
5 currently pending and have been examined.

Priority

10 Acknowledgment is made of applicant's claim for a domestic priority date of 12-5-2003.
The certified copy has been filed in parent Application No. 10537650.

15 Examiner's note: The examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the rest of the passage as taught by the prior art or disclosed by the Examiner.

20

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

25

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30

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The factual inquiries set forth in *Graham v. John.Deer & Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 5 1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10

As to claim(s)1 and 9, *Wizon* recites:

Claims 1-16 are rejected under U.S.C. Title 35, §103(a) as being unpatentable over US 7418418, *Wizon et al*, in view of US 7467108, *Papka*.

15

As to claim(s) 1 and 9, *Wizon* teaches:

a computer interface for receiving into the system inputting data that identify and describe the product, the data comprising (At least column(s) 3, lines 1-2 and Figure(s) 1):

20

contextual data of the product, the contextual data indicating market variables involved in product pricing and used for selecting a market hypothesis for pricing the product, the contextual data comprising at least one valuation currency and at least one underlying instrument (At least column(s) 1, lines 55-67 and Figure(s) 1);

25

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for inputting receiving a list of market variables associated with the product and generated by a market analysis, the market variables identified for each of the plurality of dates used in pricing the product (At least column(s) 1, lines 55-67 and column 3, lines 1,2);

5

and calculating using the market variables, for each of a plurality of market scenarios and for each of the plurality of dates, product variable values (At least column(s) 2, lines 1-26);

10

and calculating a product price as a function of the calculated product variable values (At least column(s) 2, lines 1-26).

Wizon does not recite:

15

and characteristic data of the product comprising a set of events and flows associated with the product;

a data processor adapted for:

20

generating a planned schedule from the data that identify and describe the product, the planned schedule comprising for each of a plurality of dates at least one of an event or flow relating to the product;

interpreting the schedule, in order to generate: a table of variables for the product on the

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basis of at least one of the events or flows, and for each date of the planned schedule, a function for calculating the product price as a function of at least one of the product variables.

5 These limitations, however are taught by *Papka* in (At least column(s) 2, lines 32-45 and Figure(s) 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Papka* with those of *Wizon* as incorporating events relative to a security allows for more accurate pricing due to the fact that it considers non-financial events that indirectly impact the price.

10

As per claim(s) 2 and 10, *Wizon* teaches:

the data processor is adapted for generating a compact script containing all the data needed for product pricing (At least column(s) 3, lines 1-9).

15

With respect to claim(s) 3 and 11, *Wizon* discusses:

the data processor is adapted for inputting these data in compact script form (At least column(s) 3, lines 1-9).

In reference to claim(s) 4 and 12, *Wizon* discloses:

20

data processor is adapted for inputting these data in compact script form (At least column(s) 3, lines 1-9).

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Concerning claim(s) 5 and 13, *Wizon* describes:

the data processor is adapted for checking the interpretation of the schedule (At least column(s) 3, lines 16-27).

5 Regarding claim(s) 6 and 14, *Wizon* teaches:

the data processor is adapted for: calculating, for each of the market scenarios and for each of the dates, the value of each of the market variables, calculating, for each of the market scenarios/states and for each of the dates, the product variable values as a function of the market variable values, calculating the price as a function of the product variable values in all the market scenarios (At least column(s) 1, lines 55-67 and column(s) 3, lines 1-9).

10

As per claim(s) 7 and 15, *Wizon* recites:

the data processor is adapted for storing the market variable values in the form of tables (Tvvm) (At least column(s) 3, lines 10-15 and column 5, lines 50-51).

15

With respect to claim(s) 8 and 16, *Wizon* discusses:

the data processor is adapted for storing, in the form of tables, the schedule (T1), the calculation functions (T2), the product variables (T3), the market variables (T4), and the product variable values (Tvp) (At least column(s) 3, lines 10-15 and column 5, lines 50-51).

20

Response to Arguments and Amendments

Applicant amended claims 1-8 and these amendments are entered. Applicant
5 added claims 9-16 which mirror claims 1-8 and these added claims are entered.

The rejection to the drawings was overcome by amendment and this rejection is withdrawn.
10

As to the art rejection, all claims were originally rejected under U.S.C. Title 35, §102(b). In his arguments, applicant raised the issue that the prior art reference, *Madoff*, does not disclose characteristic data of the product comprising a set of events and flows associated with the product, that *Madoff* does not recite the planned schedule comprising
15 ing for each of a plurality of dates at least one of an event or flow relating to the product, generating a table of variables for the product on the basis of at least one of the events or flows or a function for calculating the product price as a function of at least one of the product variables.

20 After consultation with a primary examiner, two new references, *Wizon* and *Papka* are used to overcome the argument and the rejection is changed from rejection under U.S.C. Title 35, §102(b) to U.S.C. Title 35, §103(a).

This action is made final. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within
5 TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later
10 than SIX MONTHS from the mailing date of this final action.

Conclusion

The following prior art made of record and not relied upon is considered pertinent
15 to applicant's disclosure:

US20020019794, *Katz et al.*

US6377940, *Tiffors et al.*

Us20030055775, *McQuain*

US6546375, *Pang et al.*

20 US20030177077, *Norman*

US20030229563, *Moore et al.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Niquette whose telephone number is 571-270-3613. The examiner can normally be reached on Monday through Thursday, 5:30 AM to 4:00 PM EDT.

5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 15 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

20 /Robert R. Niquette/
Examiner, AU 3695
2-17-2009

25 /Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695

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